

**Board of Zoning Appeals**

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

**APRIL 15, 2019**

**9:30**

**Calendar No. 19-042: 2055 Carter Road**

**Ward 3  
Kerry McCormack  
14 Notices**

Lake Link, LLC., owner, proposes to construct a 34' x 47' three story single family residence with attached garage in a K3 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum required lot area is 4800 square feet and the appellant is proposing 2,654 square feet.
2. Section 357.04(a) which states that the required front yard setback is 10.2 feet and the appellant is proposing no front yard setback.
3. Section 357.08(b)(2) which states that the required rear yard is 17 feet and the appellant is proposing 16.2.
4. Section 357.09(b)(2)(B) which states that the required interior side yard is 5 feet and the appellant is proposing 3 feet. This section also states that the aggregate width of the side yards shall not be less than 10 feet and the appellant is proposing 6 feet.
5. Section 341.02(b) which states that City Planning Approval is required before a building permit can be issued. (March 12, 2019)

**9:30**

**Calendar No. 19-043: 2101 Carter Road**

**Ward 3  
Kerry McCormack  
14 Notices**

Michael & Cheryl D'Amico, owner, proposes to construct a 34' x 41' "L-shaped" three story single family residence with attached garage in a K3 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum required lot area is 4800 square feet and the appellant is proposing 2,739 square feet. This section also states that the maximum gross floor area shall not exceed 50% of the lot size or in this case 1,370 square feet and the appellant is proposing 1,448 square feet.
2. Section 357.04(a) which states that the required front yard setback is 9.96 feet and the appellant is proposing no front yard setback.
3. Section 357.08(b)(2) which states that the required rear yard is 20.4 feet and the appellant is proposing 15.3.
4. Section 357.09(b)(2)(B) which states that the required interior side yard is 5 feet and the appellant is proposing 3 feet. This section also states that the aggregate width of the side yards shall not be less than 10 feet and the appellant is proposing 6 feet.
5. Section 341.02(b) which states that City Planning Approval is required before a building permit can be issued. (March 12, 2019)

**9:30**

**Calendar No. 19-045: 5710 Tillman Avenue**

**Ward 15  
Matt Zone  
14 Notices**

Alanna Meyers-Kiousis, owner, proposes to construct a two story single family residence with an attached garage in a B1 Two-Family Residential District. . The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(B) which states that the required interior side yard is 6.9 feet and the appellant is proposing 5 feet 4 inches. This section also states that the aggregate width of the side yards shall not be less than 10 feet and the appellant is proposing 6 feet.
2. Section 357.13(b)(4) which states that open porches shall not be less than 10 feet from property line and the appellant is proposing 8 feet 9 inches.
3. Section 358.04(a) which states that a masonry wall in the actual side street yard shall be setback 4 feet from property line and the appellant is proposing 3 feet 2 inches.
4. Section 341.02(b) which states that City Planning Approval is required before a building permit can be issued. (March 12, 2019)

**9:30**

**Calendar No. 19-046: 14440 Puritas Avenue**

**Ward 16  
Brian Kazy  
23 Notices**

Forrest Urbank, owner, proposes to establish use as restaurant and catering in a C1 General Retail Business District. . The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.08 which states that a trash enclosure is required and no enclosure is proposed.
2. Section 349.04(f) which states that 12 parking spaces are required and 6 spaces are proposed (March 21, 2019)

**9:30**

**Calendar No. 19-049: 4020 Whitman Ave.**

**Ward 3  
Kerry McCormack  
15 Notices**

Developers Specialty Services, LLC., owner, proposes to erect a 19' x 18' one story frame single family addition and a fence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.03(a) which states that fences running parallel to driveway shall be 75 percent transparent and shall be 2 ½ feet in height.
2. Section 357.04(b) which states that no fence shall be higher than its distance from a residence building on an adjoining lot.
3. Section 358.04(a) which states that a fence running parallel to adjacent building on an adjacent building shall not be closer than 3 feet and the appellant is proposing 0 feet.
4. Section 358.05(a) which states the fencing in the Front Yard area shall be 50% transparent and 4 feet high.
5. Section 357.13(b)(4) which states that open porches shall not be less than 10 feet from sidewalk and the appellant is proposing 8 feet.

6. Section 357.09(b)(2)(A) which states that no building shall be erected less than 10 feet from building on adjacent lot and the appellant is proposing 7 feet. (March 22, 2019)

**POSTPONED FROM MARCH 18, 2019**

**9:30**

**Calendar No. 19-24:**

**2033 Carter Road**

**Ward 3**

**Kerry McCormack**

**14 Notices**

Lake Link LLC., owner, proposes to erect a 3 story 2,967 square foot single family residence with an attached garage in a K3 Local Retail Business District. The owner appeals for relief from the strict application the following sections of the Cleveland Codified Ordinances:

1. Section 355.05(a) which states that the Minimum Lot area required is 4800 square feet and the appellant is proposing 2,643 square feet.
2. Section 357.09(b)(2)(B) which states that the Required Interior Side yard is 11.25 feet and the appellant is proposing 3 feet for each yard. This section also states that the aggregate width of the side yards on the same parcel shall not be less than 10 feet and the appellant is proposing 6 feet.
3. Section 357.08(b)(2) which states that the depth of required rear yard shall not be less than ½ the height of the main building or in this case 21 feet 5 inches and a 20 foot rear yard was proposed but the appellant has revised the plans to provide a 25 foot rear yard.
4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed February No Testimony) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT DUE TO A CHANGE IN THE SITE PLAN AND DESCRIPTION.*

**POSTPONED FROM APRIL 1, 2019**

**9:30**

**Calendar No. 19-038:**

**2554 W. 25 Street**

**Ward 3**

**Kerry McCormack**

**17 Notices**

Columbo Enterprises, owner, proposes to construct a new 4 story 68 unit apartment building in a G2 Local Retail Business District and an Urban Form Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 348.04(d)(1)(A) which states that the permitted maximum front yard setback is 8 feet and 10 feet 4 inches are proposed.
2. Section 348.04(d)(1)(B) which states that a 6 foot maximum secondary frontage setback is permitted and 7 to 9 feet are proposed.
3. Section 348.04(d)(3)(A) which states that regarding the building "glazing" in an Urban Form Overlay District a minimum of 75% of the nonresidential Principal Frontage buildout between 3 feet and 8 feet above grade (excluding street screens) shall be transparent windows and doors; in this case 619 square feet are required and 365.5 (59%) square feet are proposed. 45% is required for the Secondary Street frontage or in this case 382.5 square feet and 150 square feet (39%) are proposed.
4. Section 348.04(d)(5)(B) which states that regarding the building design features in an Urban Form Overlay District a minimum of 45% of the residential Principal Frontage buildout between 3 feet and 8 feet above grade (excluding street screens) shall be transparent windows and doors and none are shown.

5. Section 348.04(d)(5)(A) which states that regarding transition strips and Screening on the Secondary Street frontage a 3 foot minimum deep and 3.5 feet high masonry street screening is required between the driveway and the property line along Queen Avenue.
6. Section 348.04(d)(5)(C) which states that a 6 foot high fence of 100% opacity along the less intensive use property line is required and no fence is shown.(Filed March 7, 2019-No Testimony) *FIRST POSTPONEMENT MADE DUE TO AN ERROR IN THE PUBLIC NOTICE.*

**POSTPONED FROM MARCH 11, 2019**

**9:30**

**Calendar No. 18-221:**

**3629 Rocky River Drive**

**Ward 17**

**Martin J. Keane**

**15 Notices**

Brian Meisterics, owner, propose to change use from two dwelling units to four dwelling units in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 337.02 which states that multi-family use (4 dwelling units) is not a permitted use in the One-Family District; first permitted in Multi-Family District per Section 337.08.
2. Section 359.01 which states that an expansion of a nonconforming use requires BZA Approval.
3. NOTE: The Board heard and denied an identical request in Calendar Number 88-274. The board will review substantially new information that will mitigate the Res Judicata issue which limits the board's ability to rehear a case that has already been voted on. (Filed October 3, 2018-Testimony taken) *THIRD POSTPONEMENT WAS MADE AT THE REQUEST OF THE CDC TO ALLOW FOR TIME FOR FURTHER REVIEW..SECOND POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO RESEARCH NEIGHBORHOOD CONDITIONS FURTHER. FIRST POSTPONEMENT MADE FOR 90 DAYS DUE TO DISCOVERY OF RES JUDICATA. THE BOARD HEARD AND DENIED AN IDENTICAL REQUEST IN CALENDAR NUMBER 88-274. THE BOARD WILL REVIEW NEW INFORMATION THAT WILL DIFFERENTIATE THE TWO CASES.*

**POSTPONED FROM APRIL 8, 2019**

**9:30**

**Calendar No. 19-21:**

**2481 Tremont Street**

**Ward 3**

**Kerry McCormack**

**12 Notices**

2481 Tremont LLC, owner, proposes to erect a three story frame single family residence with an attached garage on a 4,617 square foot lot in a C1 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum street frontage required is 25 feet and the appellant is proposing none; the required minimum (mean) lot width is 40' and 23 feet and 1/3 inch is proposed. This section also states that a minimum lot area of 4,800 square feet is required for a single family dwelling and a 4,617 square foot lot is proposed.
2. Section 357.08(b)(1) which states that the required rear yard is 16 feet and the appellant is proposing 7 feet.
3. Section 357.06(a) which states that the required interior side yard is 8 feet and the appellant is proposing 5 feet 5 inches for the dwelling and 4 feet for the porch.
4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed February 11, 2019-No Testimony) *SECOND POSTPONEMENT DUE TO AN ERROR IN THE PUBLIC NOTICE. FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH BLOCK CLUB.*